

### DETAILED ACTION

1. Claims 10-13, 41 and 45-50 are pending.
2. Applicant's arguments, see page 4-5 of amendment, filed November 21, 2008, with respect to WO99/33485 publication (not WO98/33485 as indicated in the remarks) that the reference does not specifically disclose the *particular form* of VEGF-D (i.e., unprocessed VEGF-D having a molecular weight of ~ 53K) is useful as an indicator of growth characteristics, metastatic risk have been fully considered and are persuasive. It is only after expressing the full-length human VEGF-D in 293 cells and implanted in mice showed the faster growth of solid tumor *in vivo*. The tumors derived from cells expressing the processed form of VEGF-D showed no increase in growth compared to the untransfected 293 parent cells, see pages 59-61 of present specification, Examples 9 and 13, in particular. The rejection of claims 10-13, 41 and 45-50 under 35 U.S.C. 103(a) as being unpatentable over WO99/33485 publication (of record, published July 8, 1999; PTO 1449) in view of Kurebayashi et al (Jpn J Cancer Res 90: 977-981, Sept 1999; PTO 892) has been withdrawn.

### EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
4. Authorization for this examiner's amendment was given in a telephone interview with David A Gass on January 6, 2009.
5. **In the claims:**
  - Claim 45, line 4, -- human -- has been inserted before "VEGF-D"
  - Claim 45, line 5, -- full-length -- has been inserted after "unprocessed"

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- Claim 45, lines 6, 8 and 9, the symbol “~” has been changed to -- approximately (~) --
  - Claim 45, line 9, -- full-length -- has been inserted after “unprocessed”
  - Claim 48, line 4, -- human -- has been inserted before “VEGF-D”
  - Claim 48, line 5, -- full-length -- has been inserted after “unprocessed”
  - Claim 48, lines 6, 8 and 9, the symbol “~” has been changed to -- approximately (~) --
  - Claim 48, line 9, -- full-length -- has been inserted after “unprocessed”
6. Claims 10-13, 41 and 45-50 are allowed.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Huynh “NEON” whose telephone number is (571) 272-0846. The examiner can normally be reached Monday through Friday from 9:00 am to 5:30 p.m. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen B O'Hara can be reached on (571) 272-0887. The IFW official Fax number is (703) 872-9306.
8. Any information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phuong Huynh/

Primary Examiner, Art Unit 1644

January 6, 2009